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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: JUUL LABS, INC. ANTITRUST
LITIGATION

Master File No.
3:20-cv-02345-WHO

STATUS REPORT

This Document Relates To:

JUDGE: William H. Orrick
CTRM: 2, 17th Floor

All Actions

Pursuant to the Stipulation and Order dated August 18, 2022 (ECF 330), the undersigned parties hereby submit their status report concerning developments in the action before the Federal Trade Commission titled *Matter of Altria Group, Inc. and JUUL Labs, Inc.*, Docket No. 9393 (the “FTC Action”):

On April 5, 2022, FTC Complaint Counsel filed its opening appeal brief.¹ On May 18, 2022, Respondents JUUL Labs, Inc. and Altria Group, Inc. filed their answering brief. On June 2, 2022, Complaint Counsel filed its reply.

¹ Copies of all referenced materials can be found at <https://www.ftc.gov/legal-library/browse/cases-proceedings/191-0075-altria-groupjuul-labs-matter> (visited May 16, 2023).

1 On September 6, 2022, Complaint Counsel and Respondents, respectively, submitted
2 compilations of materials for use at oral argument. On September 12, 2022 (after the grant of an
3 extension requested by Respondents' counsel), oral argument was held.

4 On November 3, 2022, the Commission entered an order requesting further briefing from
5 the parties on "the potential applicability of the *per se* rule and the inherently suspect standard to
6 an alleged unlawful agreement between Respondents Altria Group, Inc. ('Altria') and JUUL Labs,
7 Inc. ('JLI') for Altria to withdraw its e-cigarette products from the market." *Id.* at 2.

8 The November 3, 2022 order required that each side file briefs addressing those issues on
9 or before December 5, 2022 and reply briefs on or before December 20, 2022.

10 The parties filed their briefs on the dates ordered.

11 Per the Commission's November 3, 2022 Order, the Commission's deadline for issuing a
12 decision in the proceeding was March 30, 2023, 100 days after the reply briefs were due.

13 On March 6, 2023, Respondents filed a Motion to Take Official Notice and to Dismiss the
14 Litigation as Moot, or in the Alternative, to Stay the Litigation. On March 21, 2023, Respondents
15 filed a Motion to Withdraw Matter from Adjudication to Discuss Settlement. Complaint Counsel
16 opposed these motions.

17 On March 30, 2023, the Commission extended its deadline to issue a final decision in the
18 matter to May 5, 2023, in order to consider the matters raised by Respondents' motions, and at the
19 same time denied Respondents' alternative request for a stay.

20 On May 4, 2023, the Commission ordered that the matter be withdrawn from adjudication
21 until June 19, 2023.

22 The undersigned hereby request that the stay entered herein in the August 18, 2022 Order
23 be continued, and that the parties submit an updated status report to this Court on or before June
24 30, 2023.

25
26 Dated: May 17, 2023

Respectfully submitted,

27
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CERTIFICATE OF E-FILING

I, Beth A. Wilkinson, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that each of the signatories identified above have concurred in this filing.

By: /s/ Beth A. Wilkinson

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